

Certain activities in navigable waters are exempt from needing a permit under chapter 30, Wisconsin Statutes. Using this checklist, you can determine if your project qualifies for an exemption.

Your proposed **intake or outfall structure** is eligible for an exemption if your project will meet all the following conditions:

- ☐ The intake or outfall structure may not be located in an area of special natural resource interest (ASNRI) or within public rights features (PRF) – see the Designated Waters Search on DNR’s website to determine if your waterway is an ASNRI, PRF or has another special designation.
- ☐ Erosion control measures shall meet or exceed the technical standards for erosion control approved by DNR under subchapter V of NR 151, Wis. Adm. Code. Any area where topsoil is exposed during construction shall be immediately seeded and mulched or riprapped to stabilize disturbed areas and prevent soils from being eroded and washed into the waterway.

Note: These standards can be found at the following website:
<http://dnr.wi.gov/org/water/wm/nps/stormwater/techstds.htm>
- ☐ Unless part of a permanent stormwater management plan, all temporary erosion and sediment control practices shall be removed upon final site stabilization. Areas disturbed during construction or installation shall be restored.
- ☐ To protect fish habitat during spawning seasons, the wing deflector may not be placed during the following time periods:
 - (a) For trout streams and perennial tributaries to trout streams, September 15 through May 15.
 - (b) For all waters not identified in (a) and south of State Highway 29, March 15 through May 15.
 - (c) For all waters not identified in (a) and north of State Highway 29, April 1 through June 1.
- ☐ The intake or outfall structure may be placed and maintained only by a riparian, or by a municipality with the permission of the riparian.
- ☐ The intake or outfall structure shall be placed entirely within the riparian’s zone of interest.
- ☐ The intake or outfall structure, including any wingwalls and rock riprap, shall be less than 6 feet from the water side of the ordinary high water mark and less than 25% of the width of the channel in which it is placed.
- ☐ The intake or outfall structure may not be placed in a manner that adversely impedes surface or subsurface flow into or out of any wetland.
- ☐ The intake or outfall structure may not result in the permanent or temporary deposition of fill in any floodway or wetland.
- ☐ The intake or outfall structure may not result in the waterward extension of the upland.
- ☐ Any grading, excavation and land disturbance shall be confined to the minimum area necessary for the construction and may not exceed 10,000 square feet.

- ☐ All equipment used for the project shall be designed and properly sized to minimize the amount of sediment that can escape into the water.
- ☐ A deposit of sand, gravel or stone may be associated with the placement of an intake or outfall structure provided the deposit is limited to the area underneath or within 4 feet of the structure and is less than 2 cubic yards.
- ☐ Dredging may be associated with the placement of an intake or outfall structure provided the dredging does not exceed 2 cubic yards.
- ☐ Outfall structures may not exceed 24 inches in diameter, and in streams may not result in a discharge of more than 50% of the streams base flow (80% exceedance flow) at any given time.
- ☐ Intake structures may not exceed 12 inches in diameter and the invert of the culvert shall be located above the public rights stage elevation as determined by the department pursuant to s. 31.02, Stats.

If your project does not meet all of these conditions, submit a permit application to the Department.

If you have any questions about whether you meet these conditions, you may request an Exemption Determination from DNR. Obtain Form 3500-107, "Chapter 30 Exemption Determination Request" from a DNR service center, or download it from our website at www.dnr.wi.gov under the topic "Waterway and Wetland Permits." Complete the form and submit it to the DNR office identified on the form.